

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

MICHAEL ANDREW KITCHEN-BEY,

Plaintiff,

v.

Case No. 2:91-cv-230
HON. GORDON J. QUIST

JOHN W. HAWLEY, et al.,

Defendants.

REPORT AND RECOMMENDATION

On January 30, 1996, the Honorable Gordon J. Quist entered an order of dismissal in this case, a copy of which is attached. The terms of the settlement between the parties were not made a part of the order of dismissal. The Court did not retain jurisdiction over this matter. Presently before the Court is Plaintiff's Motion To Compel Performance of Settlement Agreement(s). The motion should be denied pursuant to *Kokkonen v. Guardian Life Insurance Company of America*, 511 U.S. 375 (1994), a copy of which is attached.

Accordingly, it is recommended that Plaintiff's Motion To Compel Performance of Settlement Agreement (s) (Docket #147) be denied.

NOTICE TO PARTIES: Objections to this Report and Recommendation must be served on opposing parties and filed with the Clerk of the Court within fourteen (14) days of receipt of this Report and Recommendation. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b); W.D. Mich. LCivR 72.3(b). Failure to file timely objections constitutes a waiver of any further right to appeal.

United States v. Walters, 638 F.2d 947 (6th Cir. 1981). *See also Thomas v. Arn*, 474 U.S. 140 (1985).

/s/ Timothy P. Greeley
TIMOTHY P. GREELEY
UNITED STATES MAGISTRATE JUDGE

Dated: February 23, 2011